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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,778	08/28/2003	Stefan Holz	1454.1497	5851

21171 7590 05/19/2005

STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/649,778

Applicant(s)

HOLZ ET AL.

Examiner

Ovidio Escalante

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Tiliks et al. US Patent 2003/0076941.

***Regarding claim 1***, Tiliks teaches a method of managing incoming calls in a communications system (abstract) comprising the steps of:

upon receipt of a call checking if a pre-defined availability status allocated to a recipient of the call is activated, (paragraphs 0075, 0083, 0094-0096);

upon activation of a pre-defined availability status applying a pre-defined filter rule to the call in accordance with the activated availability status, (paragraphs 0090 and 0097); and

executing a call handling action associated with the activated availability status, (paragraphs 0090 and 0097).

The Examiner notes that since the claims are written in the alternative “or” format, the Examiner has taken the broader reading of one of the incoming call or incoming message, and thus will only address the incoming call limitation.

**Regarding claim 2**, Tiliks, as applied to claim 1, teaches wherein the availability status is selectable for activation by the recipient of the call, (paragraph 0083).

**Regarding claim 3**, Tiliks, as applied to claim 2, teaches wherein only one availability status is activated at a time, (paragraph 0083).

**Regarding claim 4**, Tiliks, as applied to claim 1, teaches wherein any call is signalized and routed to the recipient by applying the filter rule relating to an availability status in which the recipient is prepared to receive calls, (paragraphs 0090 and 0097).

**Regarding claim 5**, Tiliks, as applied to claim 1, teaches wherein only calls originating from a pre-determined set of callers are signalized and forwarded to the recipient by applying the filter rule, (paragraphs 0090 and 0097).

**Regarding claim 6**, Tiliks, as applied to claim 1, teaches wherein any call is forwarded to an other pre-defined recipient by executing the call handling action, (fig. 11; paragraph 0145).

**Regarding claim 7**, Tiliks, as applied to claim 1, teaches wherein the call message handling action comprises notifying the recipient of attempted communication by means of a message directed to a selected communication device allocated to the recipient, (paragraph 0147).

**Regarding claim 8**, Tiliks, as applied to claim 1, teaches wherein the call is routed to a destination associated with an entry in a personal scheduler of the recipient, (fig. 11; paragraphs 0141 and 0145).

**Regarding claim 9**, Tiliks teaches an Apparatus for managing incoming calls in a communications system (abstract) comprising:

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means for checking, upon receipt of a call, if a pre-defined availability status allocated to a recipient of the call is activated, (paragraphs 0075, 0082, 0094-0096);

means for applying, upon activation of a pre-defined availability status, a pre-defined filter rule to the call in accordance with the activated availability status, (paragraphs 0090 and 0097); and

means for executing a call handling action associated with the activated availability status, (paragraphs 0090 and 0097).

***Regarding claim 10***, Tiliks teaches a Computer program product stored on a computer usable medium (abstract) comprising:

computer readable means for causing a computer to check, upon receipt of a call, if a pre-defined availability status allocated to a recipient of the call is activated, (paragraphs 0075, 0082, 0094-0096);

computer readable means for causing the computer to apply, upon activation of a pre-defined availability status, a pre-defined filter rule to the call in accordance with the activated availability status, (paragraphs 0090, 0097); and

computer readable means for causing the computer to execute a call handling action associated with the activated availability status, (paragraphs 0090 and 0097).

### ***Conclusion***

3. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

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Or:

(571) 273-7537, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-Th from 6:30 to 4:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**OVIDIO ESCALANTE**  
**PATENT EXAMINER**

*Ovidio Escalante*

Ovidio Escalante  
Examiner  
Group 2645  
May 6, 2005

O.E./oe